

# HOUSE . . . . . No. 2051

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By Mr. Casey of Winchester, petition of Paul C. Casey relative to the use of mobile telephones while operating a motor vehicle. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT RELATIVE TO REQUIRING THE SAFE USE OF MOBILE TELEPHONES WHILE OPERATING A MOTOR VEHICLE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 13 of chapter 90 of the General Laws, as  
2     appearing in the 2002 Official Edition, is hereby amended by  
3     striking out the first sentence and inserting in place thereof the  
4     following sentence:— No person, when operating a motor vehicle,  
5     shall permit to be on or in the vehicle or on or about his person  
6     anything which may interfere with or impede the proper operation  
7     of the vehicle or any equipment by which the vehicle is operated  
8     or controlled, except that a person may operate a motor vehicle  
9     while using a citizens band radio as long as one hand remains on  
10    the steering wheel at all times.

1     SECTION 2. Said chapter 90, as so appearing, is hereby further  
2     amended by inserting after section 13A the following section:—  
3     Section 13B (a). For the purposes of this section, the following  
4     words shall have the following meanings unless the context  
5     clearly requires otherwise:  
6     “Hands-free technology”, a device, attachment, add-on or addi-  
7     tion to a mobile telephone, whether or not permanently installed  
8     in the motor vehicle, that when used allows the operator of a  
9     motor vehicle to maintain both hands, or a prosthetic device or aid  
10    in the case of a person with a disability, on the steering device.

11 “Mobile telephone”, a cellular, analog, wireless or digital tele-  
12 phone capable of sending or receiving telephone communications  
13 without an access line for service.

14 “Wireless carrier”, all commercial mobile radio services, as that  
15 term is defined in 47 U.S.C. section 332(d).

16 (b) No person shall use a mobile telephone while operating a  
17 motor vehicle on a public street or way unless such mobile tele-  
18 phone is equipped and used with hands-free technology, except  
19 during an emergency.

20 No person under 18 years of age shall use a mobile telephone  
21 while operating a motor vehicle on a public way, except as a result  
22 of and for the purpose of abating an emergency.

23 A violation of any provision of this section shall be punishable  
24 by a fine of \$150 and each violation shall constitute a separate  
25 offense.

1 SECTION 3. The executive office of public safety shall initiate  
2 a public service announcement and public awareness campaign on  
3 the proper use of a mobile telephone while operating a motor  
4 vehicle. The campaign may be financed, in part, by wireless car-  
5 riers operating in the commonwealth.

1 SECTION 4. The registrar of motor vehicles shall conduct a  
2 study of the methods by which data relative to the role of mobile  
3 phone use in motor vehicle accidents may be recorded through  
4 existing or new methods of data collection.